

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KAREEM RHODES,

Petitioner,

v.

CASE NO. 2:07-CV-15256
HONORABLE PATRICK J. DUGGAN

NICK LUDWICK,

Respondent.

**ORDER GRANTING PETITIONER'S "MOTION TO ORDER THE ATTORNEY
GENERAL TO SUBMIT THE COMPLETE RULE 5 MATERIAL"**

At a session of said Court, held in the U.S. District
Courthouse, City of Detroit, County of Wayne,
State of Michigan on August 8, 2008.

PRESENT: HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

This matter is before the Court on Petitioner Kareem Rhodes' "Motion to Order the Attorney General to Submit the Complete Rule 5 Material." Petitioner seeks the addition of three items to the record before this Court: (1) Deputy Rump's report dated February 11, 2004, (2) Deputy Rump's sworn affidavit dated February 16, 2004, and (3) the complete district court transcripts dated April 28, 2004 and August 29, 2004. Respondent has not filed a reply to Petitioner's motion. Although Respondent is required to submit all transcripts and documents relevant to the determination of the habeas petition at the time the answer is filed, *see* Rules Governing 2254 Cases, Rule 5, 28

U.S.C. foll. § 2254, the Court may permit the record to be expanded to include additional materials relevant to the determination of the habeas petition. *See* Rules Governing 2254 Cases, Rule 7, 28 U.S.C. foll. § 2254. The materials requested by Petitioner may be relevant to the resolution of this matter.¹ Accordingly, the Court **GRANTS** Petitioner's motion and directs Respondent to file the requested materials, or to submit an affidavit indicating why those materials cannot be produced, within **30 DAYS** of the filing date of this order.

IT IS SO ORDERED.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:
Kareem Rhodes
#525499
St. Louis Correctional Facility
8585 N. Croswell Rd.
St. Louis, MI 48880

Raina I. Korbakis, A.A.G.

¹The Court makes no determination as to the particular relevance of the requested materials at this time.